



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 25, 2008

BY FAX

Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007-1312

Re: Marc D. Bailey v. Astrue
08 Civ. 3022 (VM)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-25-08

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to request an extension of defendant's time to answer or respond with respect to the complaint.

Pursuant to the Court's order of June 5, 2008, which was memo-endorsed by Judge Scheindlin, defendant's answer is due today, August 25, 2008. I am mindful of Judge Scheindlin's direction that there be "No further extensions." However, in preparing the Government's answer in this case, I unexpectedly encountered an issue that required further consideration and communication with the Agency. As a result, the Commissioner is reconsidering his position in this case. Accordingly, I respectfully request a further, thirty-day extension of time in which to file defendant's answer, to September 24, 2008.

This is the Government's second request for an extension. I have attempted to contact plaintiff by telephone to obtain his consent to this request, but I have not yet been able to reach him. Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

Susan C. Branagan
SUSAN C. BRANAGAN
Assistant United States Attorney
Telephone: (212) 637-2804
Fax: (212) 637-2750

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to 9-24-08

SO ORDERED.

8-25-08
DATE

VICTOR MARRERO, U.S.D.J.

cc: Marc D. Bailey, Pro Se